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8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12
13 UNITED STATES OF AMERICA,) Case No. 4:22-cr-00104-YGR
14 Plaintiff,)
15 v.) STIPULATION AND PROTECTIVE ORDER
16 ENRIQUE CHAVEZ,) [PROPOSED]
17 Defendant.)
18

19 Plaintiff United States of America, by and through Stephanie M. Hinds, United States Attorney
20 for the Northern District of California, and Andrew Paulson, Assistant United States Attorney for the
21 Northern District of California, and the defendant, Enrique Chavez, through his undersigned counsel,
22 hereby stipulate and agree as follows:

23 a) This is a case in which the defendant is charged with crimes involving victims. As such,
24 the Victims are entitled to certain statutory protections, including Title 18, United States Code, section
25 3771, which affords any victim of a crime the right to be treated with fairness and respect for his or her
26 dignity and privacy.

27 b) Some of the discovery materials the government intends to produce in this case may
28 include materials falling into one or more of the following categories (collectively, "Protected

1 Information”):

- 2 1. Personal Identifying Information of any individual, including without limitation any person’s
3 date of birth, social security number, residence or business address, telephone numbers, email
4 addresses, driver’s license number, professional license number, family members names, or
5 criminal histories (“Personal Identifying Information”);
6 2. The names and other personal information of Victims;
7 3. Financial information of any individual or business, including without limitation bank
8 account numbers, credit or debit card numbers, account passwords, contact information, and
9 taxpayer identification numbers (“Financial Information”); and
10 4. Medical records or other patient information of any individual covered by the Health
11 Insurance Portability and Accountability Act of 1996 (HIPPA) (“Medical Information”);
12 c) The government seized or otherwise obtained certain electronic devices from the
13 defendant (“Defendant’s Electronic Devices”) that may contain private and confidential information
14 relating to Victims and other individuals, including potentially personally identifiable information such
15 as account numbers, social security numbers, and dates of birth. Due to the nature in which the
16 information is stored, it cannot practicably be redacted.

17 THEREFORE, THE PARTIES STIPULATE AND AGREE that the Court should enter an order
18 restricting the disclosure of the Protected Information described above as follows:

19 1. All Protected Information produced by the government in this matter that is not
20 maintained on Defendant’s Electronic Devices shall be stamped on its face “PROTECTED
21 INFORMATION – SUBJECT TO PROTECTIVE ORDER – PM CHECK.” All information stored on
22 Defendant’s Electronic Devices will also be deemed Protected Information and subject to the terms of
23 this Protective Order.

24 2. The following individuals (the “Defense Team”) may access and review Protected
25 Information for the sole purpose of preparing the defense and for no other purpose:

- 26 a) Counsel for defendant who have made an appearance in this matter; and
27 b) Persons employed by defense counsel to assist with the preparation of the
28 defense, including legal assistants, experts, and investigators, but only after any such individual

1 has reviewed, signed, and dated a copy of this Protective Order to reflect his or her agreement to
2 be bound by it.

3 3. The Defense Team may review with the defendant all discovery material produced by the
4 government, but shall not provide the defendant with copies of, or permit the defendant to make copies
5 of or have unsupervised access to, any discovery material produced by the government that contains
6 Protected Information, unless the Personal Identifying Information, Financial Information, and/or
7 Medical Information has first been entirely redacted from the discovery materials. Discovery material
8 that clearly pertains to the defendant and does not contain Protected Information regarding any other
9 person (e.g., a defendant's own bank records, telephone records, and business records) may be provided
10 to the defendant unredacted.

11 4. The Defense Team may show witnesses Protected Information in the course of preparing
12 a defense if the witness, by reason of their participation in the proceeding, would have seen or had
13 reason to know such information. Witnesses may only view Protected Information in the presence of
14 the Defense Team.

15 5. The Defense Team shall not disclose the substance of any Protected Information received
16 from the government in the above-captioned matter to any third party without the express written
17 permission of the government or the approval of this Court.

18 6. The Defense Team shall refer to any Victim only by his or her self-identified pseudonym
19 or first and last initials in all pleadings and at any court hearings.

20 7. If the Defense Team files a pleading that references, contains, or attaches Protected
21 Information subject to this Protective Order, any portion of that pleading that references, contains, or
22 attaches Protected Information must be filed under seal. The Defense Team shall comply with Criminal
23 Local Rule 56-1 to ensure that Protected Information is not improperly disclosed but that any sealing
24 order is limited to those portions of the pleading for which there is a valid basis to seal.

25 8. After any judgment or disposition has become final and there are no pending
26 proceedings, challenges, appeals, or habeas motions in the case, defense counsel shall notify the
27 government so that the government can request materials subject to this Protective Order (including any
28 copies) be returned to the United States. To the extent that the Defense Team intends to maintain

1 possession of the Protected Information, it must do so under conditions specified in this Protective
2 Order. If the Defense Team cannot ensure that the material will be kept under the conditions specified
3 in this Order, the Defense Team will destroy the material.

4 9. Any disputes about this Protective Order, including any dispute about the government's
5 decision to designate materials as Protected Information, shall be resolved by this Court only after
6 counsel for the United States and the defendant have first conferred and attempted to resolve the dispute.
7 Defense counsel shall first raise any disputed designation with the government in writing. If the
8 government does not then agree to change the designation, the defense may raise the issue with the
9 Court.

10 10. This stipulation is without prejudice to any party applying to the Court to modify the
11 terms of this Protective Order. This Court shall retain jurisdiction to modify this Protective Order upon
12 motion of any party even after the conclusion of district court proceedings in this case.

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14 **IT IS SO STIPULATED.**

STEPHANIE M. HINDS
United States Attorney

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Dated: April 14, 2022

/s/ Andrew Paulson _____
ANDREW PAULSON
Assistant United States Attorney

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/s/ Steven Kalar _____
STEVEN KALAR
Counsel for Defendant Enrique Chavez

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IT IS SO ORDERED.

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Dated: May 4, 2022



HON. YVONNE GONZALEZ ROGERS
United States District Judge

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